

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
SW/S Greenspring Avenue, 300' N \* DEPUTY ZONING COMMISSIONER  
of the c/l of Kelley Avenue \* OF BALTIMORE COUNTY  
(11614 Greenspring Avenue) \* Case No. 94-152-A  
3rd Election District  
3rd Councilmanic District  
Howard B. Miller, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the subject property, known as 11614 Greenspring Avenue, by its owners, Howard B. and Linda C. Miller. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1A04.3.B.3 to permit a principal building setback from the centerline of a street in an R.C. 5 zone of 50 feet in lieu of the required 75 feet for proposed Lots 10, 12 and 13, and to permit side lot line setbacks for a principal building in an R.C. 5 zone of 40 feet and 35 feet in lieu of the required 50 feet each for proposed Lots 4 and 10, respectively; and from Section 413.1.(3)(1) to permit a single-faced community identification sign of 30 sq.ft. in lieu of the maximum permitted 15 sq.ft., as more particularly described on Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Howard Miller, property owner, and David S. Thaler, Professional Engineer. The Petitioner was represented by Robert W. Cannon, Esquire. Appearing in opposition to the relief requested were Stephen D. Arioso and Neal M. Brown, who appeared on behalf of the Chestnut Ridge Community Association.

Testimony indicated that the subject property, known as 11614 Greenspring Avenue, consists of a gross area of 20.60 acres, zoned R.C. 5 and is improved with a single family dwelling and various accessory out-

buildings. Said property was the subject of prior Case No. 91-519-SPHA in which the Petitioners were granted a special hearing and variance for the subdivision of the subject property into 11 lots on October 1, 1991. Pursuant to that Order, approval was granted for proposed Lot 1 to continue as a farm/farmette until such time as the Petitioners no longer own contiguous lots totalling at least 3.00 acres. Proposed Lot 1, which contains the existing improvements, has been the Petitioners' residence for the past 32 years. The Petitioners have proceeded through the subdivision process and are now ready to develop the individual lots.

Mr. David Thaler testified in detail as to the requested variances for Lots 4, 10, 12 and 13. Mr. Thaler testified that site constraints along Greenspring Avenue required that proposed Valley Hi Court be located in accordance with that depicted on Petitioner's Exhibit 1, and that due to the topography of the land, the requested variances were necessary in order for development to proceed as proposed. Furthermore, Mr. Thaler testified that the market for this area requires a larger home to be built than that permitted by the building envelopes on Lots 4 and 10.

Mr. Thaler testified as to the requested variance for a community identification sign which has been located at the entrance to this subdivision. The subject sign consists of 30 sq.ft. total, taking into consideration the support posts which are calculated as part of the total square footage of the sign. The sign, which is not illuminated, is made of wood and painted, and consists of two sheep and the words Valley Hi. Testimony indicated that a larger sign was necessary in order to adequately identify the location of this subdivision, due to the fact that traffic along this route travels at a high rate of speed. Mr. Thaler testified that the

B.C.Z.R. would only permit a 15 sq.ft. sign which, in the Petitioners' opinion, would not be sufficient to adequately identify this community.

Appearing out of concern on behalf of the Chestnut Ridge Community Association of Baltimore County, Inc. were Neal Brown and Stephen Arioso. Mr. Brown and Mr. Arioso testified that their Association was not opposed to the existing sign but was concerned that the Petitioners would attempt to replace the existing sign with a larger sign. Mr. Thaler assured the community representatives that the Petitioners have no intention of ever replacing the existing sign with a larger sign and stated that the sign in question will remain in perpetuity. Mr. Miller further reiterated that he had no intention of ever replacing the existing sign with a larger sign. I advised the community representatives that a restriction would be placed at the end of this Order which would guarantee that the sign will remain as it currently exists and will not be replaced with a larger sign.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of December, 1993 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1A04.3.B.3 to permit a principal building setback from the centerline of a street in an R.C. 5 zone of 50 feet in lieu of the required 75 feet for proposed Lots 10, 12 and 13 and to permit side lot line setbacks for a principal building in an R.C. 5 zone of 40 feet and 35 feet in lieu of the required 50 feet each for proposed Lots 4 and 10, respectively; and from Section 413.1.(3)(1) to permit a single-faced community identification sign of 30 sq.ft. in lieu of the

maximum permitted 15 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The community identification sign granted herein shall remain as it currently exists and shall not be replaced with a larger sign without a public hearing to determine the appropriateness of same. Said sign shall be regularly maintained in good condition.
- 3) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TWK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 6, 1993

(410) 887-4386

Robert W. Cannon, Esquire  
Weinberg and Green  
100 S. Charles Street, 14th Floor  
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE  
SW/S Greenspring Avenue, 300' N of the c/l of Kelley Avenue  
(11614 Greenspring Avenue)  
3rd Election District - 3rd Councilmanic District  
Howard B. Miller, et ux - Petitioners  
Case No. 94-152-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Mr. Stephen D. Arioso  
11316 Ridgeway Avenue, Lutherville, Md. 21093

Mr. Neal M. Brown  
11712 Greenspring Avenue, Lutherville, Md. 21093

Mr. David S. Thaler  
7115 Ambassador Road, Baltimore, Md. 21207

People's Counsel



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from (1) Section 1A04.3.B.3 to permit a principal building setback in an R.C. 5 zone of 50 feet from the centerline of the street in lieu of 75 feet for Lot Nos. 10, 12 and 13, resulting in a variance of 25 feet each; (2) from Section 1A04.3.B.3 to permit a side lot line setback of 40 feet for the principal building in an R.C. 5 zone in lieu of the 50 feet required for Lot No. 4, resulting in a variance of 10 feet; (3) from Section 1A04.3.B.3 to approve a side lot line of 35 feet for a principal building in an R.C. 5 zone in lieu of the required 50 feet for Lot No. 4, resulting in a variance of 15 feet; and (4) from Section 413.1.(3)(1) to permit a one-sided community identification sign of 30 square feet in lieu of the required 15 square feet, resulting in a variance of 15 square feet.

The requested variances will permit the construction of the types of residential homes which are popular with homebuyers in today's real estate market and will not have any adverse effect upon anyone else, as all of the requested variances are within the property itself, except for the sign, which is a Variance Request No. (4).

The grant of the variances is in harmony with the spirit and intent of the Zoning Regulations and would not result in substantial injury to public health, safety and general welfare. Denial of Petitioner's request would cause practical difficulty and unreasonable hardship. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertisement, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert W. Cannon, Esquire

(Type or Print Name)

Signature

100 South Charles Street, 14th Floor

Baltimore, Maryland 21201

City and State

Attorney's Telephone No. 332-9816

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Howard B. Miller

(Type or Print Name)

Signature

Linda C. Miller

(Type or Print Name)

Signature

c/o Robert W. Cannon, Esquire

Weinberg and Green

100 South Charles Street 332-9816

Address Phone No.

Baltimore, Maryland 21201

City and State

Name, address and phone number of legal owner, consent purchaser or representative to be contacted

Robert W. Cannon

100 South Charles Street

Baltimore, Maryland 21201

Address Phone No.

NOTICE FOR FILING

NOTIFICATION OF HEARING - 1/20/94 - 11:00 AM

MON./TUES./WED. - FIRST TWO HOURS

ALL OTHERS - 11:00 AM

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING  
Date 12/6/93  
By [Signature]

No REVIEW  
9-30-93  
WCR

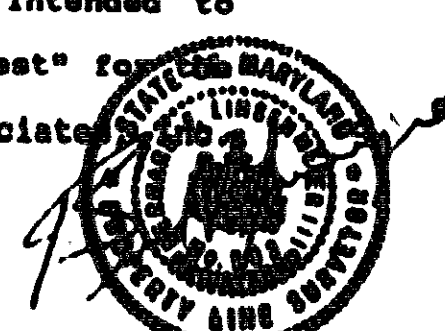
#### DESCRIPTION TO ACCOMPANY VARIANCE REQUEST MILLER PROPERTY

Beginning for the same at a point in the center of Greenspring Avenue, 300 feet, more or less, North from the centerline of Kelley Avenue; thence, leaving the centerline of Greenspring Avenue, South 57°41'24" West 1323.78 feet to a point; thence, North 51°05'53" West 101.29 feet to a point; thence, North 03°13'27" West 899.01 feet to a point; thence, North 58°03'12" East 449.80 feet to a point; thence, South 32°01'30" East 207.39 feet to a point; thence, North 61°29'45" East 391.08 feet to intersect the south side of the 70 foot right-of-way of Greenspring Avenue; thence, binding upon the south right-of-way line of Greenspring Avenue 134.09 feet for a curve to the left, having a radius of 1122.68 feet, to a point; thence, South 13°58'10" West 21.37 feet to a point; thence, leaving the right-of-way line of Greenspring Avenue, North 59°34'45" East 56.71 feet to intersect the centerline of Greenspring Avenue; thence, binding upon the centerline of Greenspring Avenue the two (2) following courses and distances:

1. South 38°24'16" East 362.06 feet to a point;
2. South 33°04'53" East 134.68 feet to the point of beginning.

Containing 20.6 acres of land, more or less.

This description is taken from and is intended to comply with a "Plan to Accompany Variance Request" for Miller Property prepared by D.S. Thaler & Associates dated August 20, 1993.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 10/21/93  
Posted for: Howard & Linda Miller  
Petitioner: Howard & Linda Miller  
Location of property: 5416 Greenspring Ave. between Broadway & Kell  
Location of Sign: 111 W. Chesapeake Avenue, Room 106  
Remarks: None  
Posted by: Matthew Date of return: 10/21/93  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 10/21, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21, 1993.

THE JEFFERSONIAN,

A. Henderson  
LEGAL AD. - TOWSON

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 9/30/93

Account: R 001-6150

Number: 148 (WCR)  
DROP-OFF PETITION

#020 - VARIANCE \$250.00  
#080 - SIGN POSTING 35.00  
TOTAL \$285.00

Miller Property  
Greenspring Avenue  
Petitioners: Howard & Linda Miller  
District: 3c3  
Attorney: Robert W. Cannon

0240080090HICR \$285.00  
56 0011775H00 20 93  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 13, 1993

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-152-A (Item 148)  
SW/S Greenspring Avenue between Broadway and Kelley Avenues  
3rd Election District - 3rd Councilmanic  
Petitioner(s): Howard B. Miller and Linda C. Miller  
HEARING: FRIDAY, NOVEMBER 12, 1993 at 10:30 a.m. in Rm. 106, County Office Building.

Variance to permit a principal building setback of 50 feet from the centerline of the street in lieu of 75 feet for lots 10, 12, and 13; to permit a side lot line setback of 40 feet for the principal building in lieu of the 50 feet required for lot 4; to approve a side lot line of 35 feet for a principal building in lieu of the required 50 feet for lot 10; and to permit a one-sided community identification sign of 30 square feet in lieu of the required 15 square feet.

Arnold Jablon  
Director

cc: Robert W. Cannon, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 2, 1993

Robert W. Cannon, Esquire  
100 South Charles Street, 14th Floor  
Baltimore, Maryland 21201

RE: Case No. 94-152-A, Item No. 148  
Petitioner: Howard B. Miller, et al  
Petition for Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: October 27, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item 148, Howard & Linda Miller  
Item 162, 3731 Grove Run Road (Joseph E. Chenoweth)  
Item 166, 1315 Denby Road (Michael E. Krompholz)

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Division Chief: David L. Krompholz

PK/JL:lw

ZAC, 148/72CNE/ZAC1

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

October 14, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilon  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #148 - Miller Property (Howard)  
Greenspring Avenue  
Zoning Advisory Committee Meeting of October 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP-VK:sp

MILLER/DEPRM/TXTSBP

Baltimore County Government  
Department of Permits and Licenses

111 West Chesapeake Avenue  
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3410

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice F. Toylan, Esq. and Lois F. Toylan  
Location: #114 Northwood Drive  
Item No.: #142 (JBF)

George F. Sabol, IV & Donna L. Sabol  
#18007 Marshall Hill Road  
#143 (PT)

George J. Wimmer and Susan P. Wimmer  
#9405 Oak White Road  
#144 (JCH)

Paul W. Rogers and Pennie J. Rogers  
#1653 French Avenue  
#145 (JRA)

Cedarside Farm Joint Venture  
#4 Symphony Woods Court  
#146 (RT)

Cedarside Farm Joint Venture  
#2 Trumpet Court  
#147 (PT)

Howard B. Miller & Linda C. Miller  
SW/S Greenspring Avenue between Broadway and Kelley Avenues  
#148 (WCR)

Peter P. Golabacki and Anna B. Golabacki  
#9121 Cuckold Point Road  
#149 (PT)

Herbert P. Rush and Esther E. Rush  
#4 Opie Road  
#150 (JLL)

Herbert P. Rush and Esther E. Rush  
#6 Opie Road  
#151 (JLL)

Henry C. Stull and Helen A. Stull  
#155 Old York Road



O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: BALTIMORE COUNTY  
Item No.: #148 (WCR)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
for John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2268 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



November 15, 1993

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
14th Floor  
Baltimore, MD 21201

RE: Preliminary Petition Review (Item #148)  
Legal Owner: Howard B. & Linda C. Miller  
Miller Property - Greenspring Avenue  
3rd Election District

Dear Mr. Cannon:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore county, Maryland for the \$50.00 revision fee.

The wording "AND SPECIAL HEARING TO AMEND THE FDP" needs to be added to the top of the petition form.

OCTOBER 25, 1993

NOTICE OF REASSIGNMENT

POSTPONED FROM 11/12/93  
CASE NUMBER: 94-152-A (Item 148)  
SW/S Greenspring Avenue between Broadway and Kelley Avenues  
3rd Election District - 3rd Councilmanic  
Petitioner(s): Howard B. Miller and Linda C. Miller

Variance to permit a principal building setback of 50 feet from the centerline of the street in lieu of 75 feet for lots 10, 12, and 13; to permit a side lot line setback of 40 feet for the principal building in lieu of the 50 feet required for lot 4; to approve a side lot line of 35 feet for a principal building in lieu of the required 50 feet for lot 10; and to permit a one-sided community identification sign of 30 square feet in lieu of the required 15 square feet.

HEARING: TUESDAY, NOVEMBER 16, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

ARNOLD JABLON  
DIRECTOR

cc: Robert W. Cannon, Esq.

WEINBERG AND GREEN  
ATTORNEYS AT LAW  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY  
COLUMBIA, MARYLAND 21046-3508  
(410) 740-8500

WASHINGTON AREA (410) 470-7400  
FACSIMILE  
(410) 740-8882

30 WEST PATRICK STREET  
FREDERICK, MARYLAND 21701-6371  
(301) 895-9200

(410) 332-8816

20058.2

September 29, 1993

VIA HAND DELIVERY

Mr. W. Carl Richards, Jr.  
Zoning Administration and Development  
Management  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Miller Property, Greenspring Avenue

Dear Carl:

Enclosed you will find the package of materials relating to a request for variances in connection with the referenced development. The enclosures include the following:

- three (3) executed counterparts of the Petition;
- twelve (12) copies of the plan to accompany the variance request;
- three (3) copies of the legal description;
- one (1) copy of the 200' scale zoning map; and
- a check in the amount of \$285.00.

Please have this Petition and the enclosures processed. I am available for any questions that you or your colleagues may have.

Sincerely yours,

Robert W. Cannon  
SEP 30 1993

0556p/0081/ksm

Enclosures

WEINBERG AND GREEN  
ATTORNEYS AT LAW  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY  
COLUMBIA, MARYLAND 21046-3508  
(410) 740-8500

WASHINGTON AREA (410) 470-7400  
FACSIMILE  
(410) 740-8882

30 WEST PATRICK STREET  
FREDERICK, MARYLAND 21701-6371  
(301) 895-9200

(410) 332-8816

October 18, 1993

Arnold Jablon, Esquire  
Director  
Zoning Administration and Development  
Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 94-152-A (Item 148)

Dear Mr. Jablon:

This will acknowledge receipt of the Notice of Hearing scheduling the hearing in the referenced matter for Friday, November 12, 1993 at 10:30 a.m. Because of my client's inability to be present at the time of the scheduled hearing, I respectfully request that the hearing be rescheduled. In order to avoid other scheduling conflicts, we respectfully request that the rescheduled hearing not be scheduled within the following dates and times:

Unavailable Dates and Times:

November 12 - all day  
November 18 - afternoon  
November 19 - all day  
November 23 - morning through 1:30 p.m.  
November 30 - morning through 1:30 p.m.  
December 3 - morning through 1:30 p.m.

Please call me if you have any questions concerning this request.

Sincerely yours,

Robert W. Cannon

0031p/0081/ksm

cc: Howard B. Miller, Esquire  
Mr. Rowan Glidden

WEINBERG AND GREEN  
100 South Charles Street, Baltimore, Maryland 21201-2773  
(410) 332-8800  
Facsimile (410) 332-8862 (410) 332-8863

FACSIMILE TRANSMITTAL

From: Robert W. Cannon  
Direct No.: (410) 332-8816

City: State: Date:

Fax No.: ( ) Time:

Phone No.: ( ) Hard Copy will follow by mail: Yes No

No. of Pages: (including this page)

If you do not receive all pages, please telephone (410) 332-8816 immediately.

Client Matter No. Return to Station No.

Confirm by Time

Message:

RECEIVED  
OCT 18 1993

ZADM

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION CONTAINS CONFIDENTIAL INFORMATION BELONGING TO THE SENDER, WHICH MAY BE LEGALLY PRIVILEGED INFORMATION. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPIING, OR DISTRIBUTION OF THE CONTENTS OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THE FACSIMILE DOCUMENT IS A BREACH OF CONFIDENTIALITY. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN OF THE ORIGINAL FACSIMILE DOCUMENTS TO US.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID THALER	215 AMBASSADOR RD BALT MD 21244
ROBT CANNON	WEINBERG & GREEN 100 S Charles Street Baltimore Md 21201
HOWARD MILLER	

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

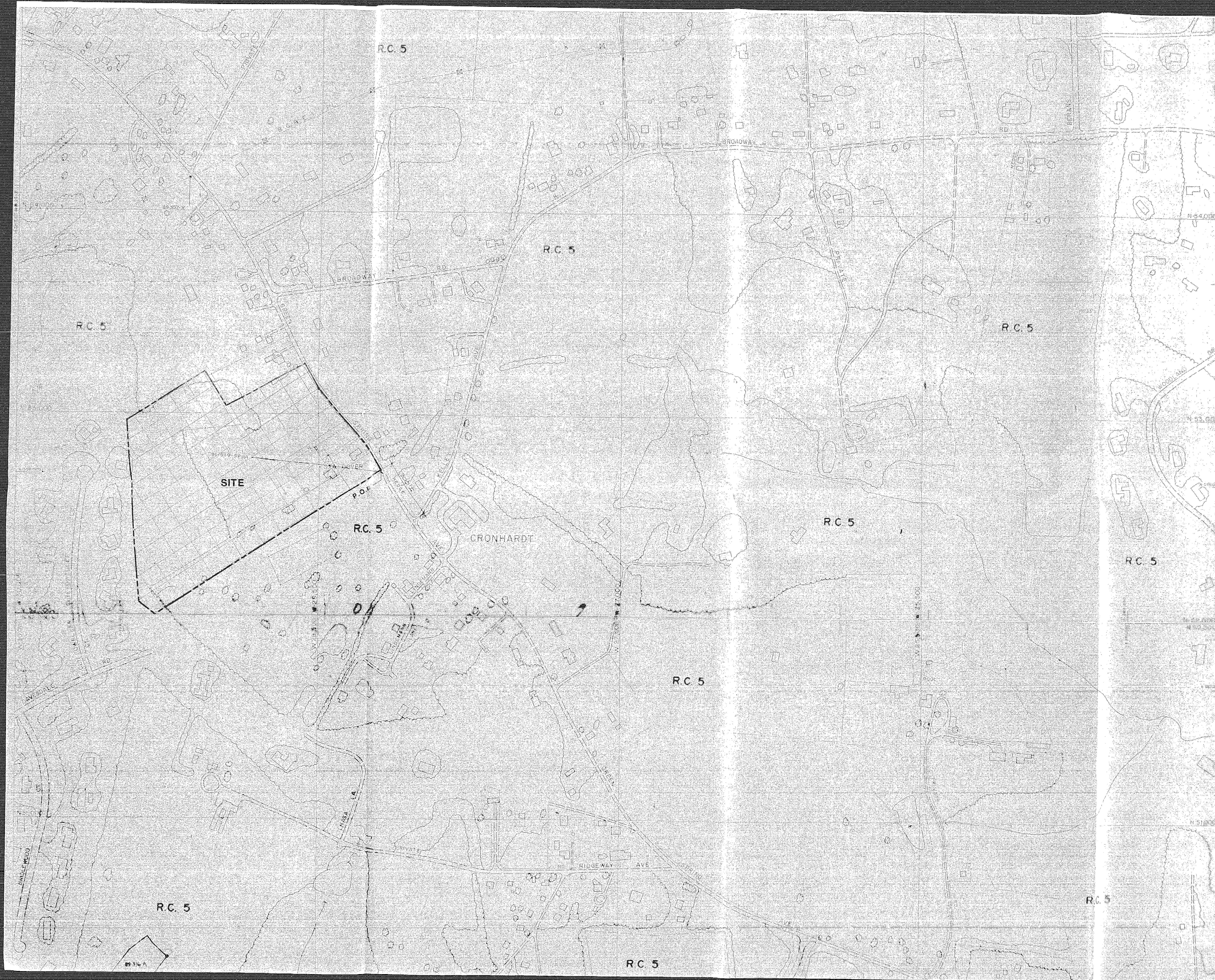
NAME	ADDRESS
Stephen D. Arziosa	11216 RIDGEWAY AVE S. LUTHERVILLE MD 21093
Neal M. Brown	11212 Greenspring Ave. (Luterville 21093)
	Chesapeake Ridge Community Assoc. of Balt. County, Inc. Representative

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
STEPHEN D. ARZIOSA	11216 RIDGEWAY AVE S. LUTHERVILLE MD 21093
Neal M. Brown	11212 Greenspring Ave. (Luterville MD) 21093
	Chesapeake Ridge Community Assoc. of Balt. County, Inc. Representative





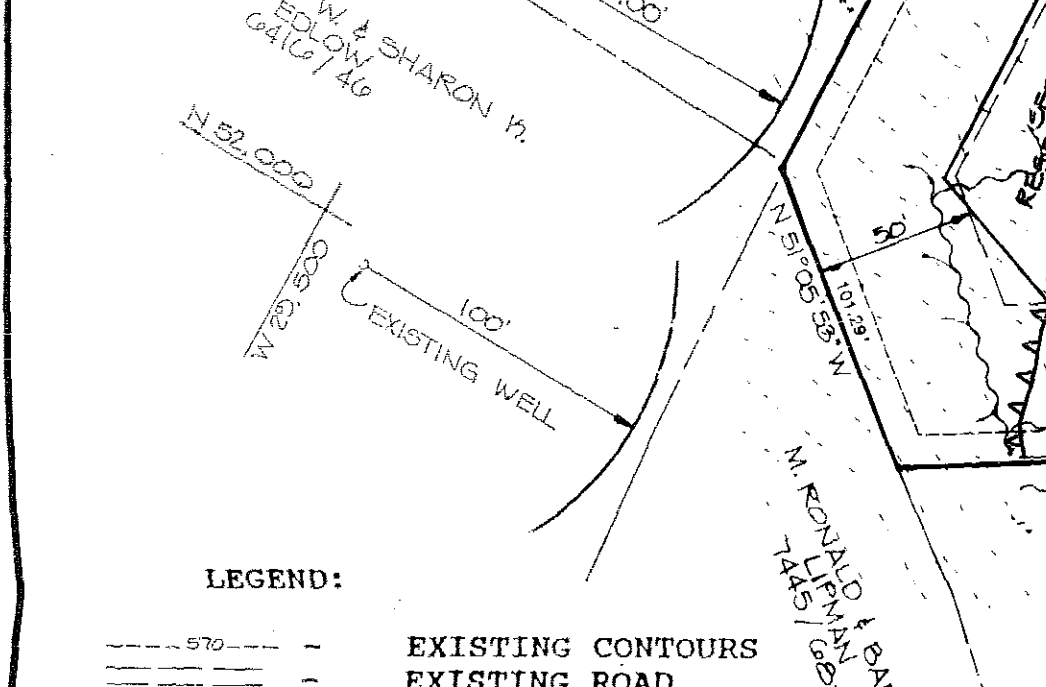
94-152-A

MILLER PROPERTY / GREENSPRING AVE.  
EXHIBIT TO ACCOMPANY  
VARIANCE REQUEST

200 SCALE ZONING MAPS NW13-E, 14-E

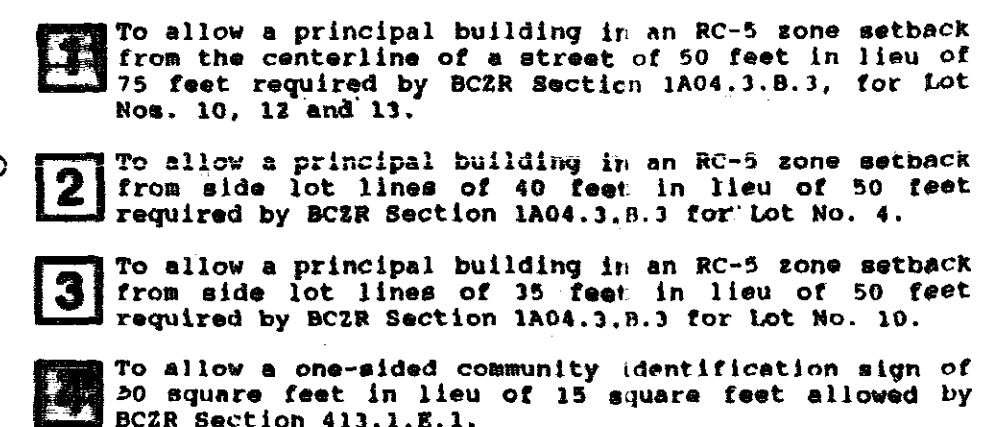
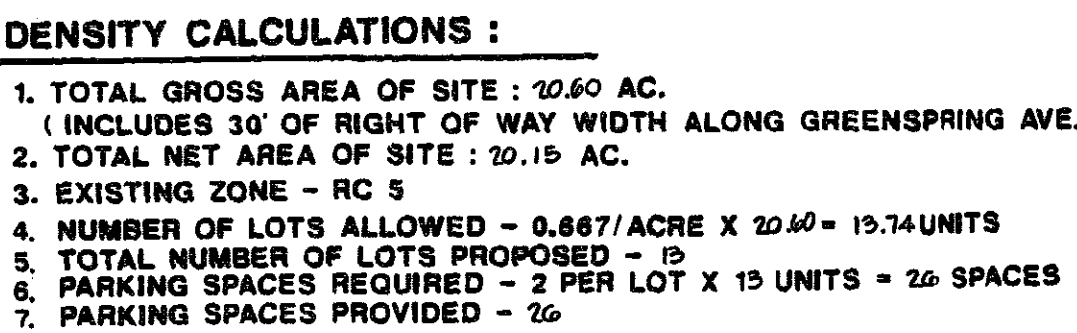
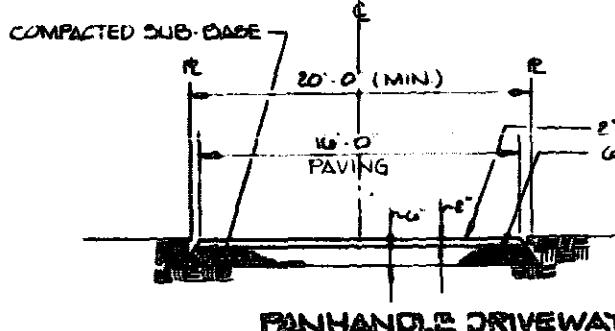
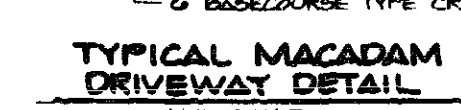
D.S. THALER & ASSOCIATES, INC.  
CIVIL ENGINEERS/LANDSCAPE ARCHITECTS  
SURVEYORS/LAND PLANNERS  
7115 AMBASSADOR ROAD  
BALTIMORE, MARYLAND 21207  
(410) 944-ENGR (410) 944-3647  
SCALE: 1"=200' DATE: SEPTEMBER 16, 1993





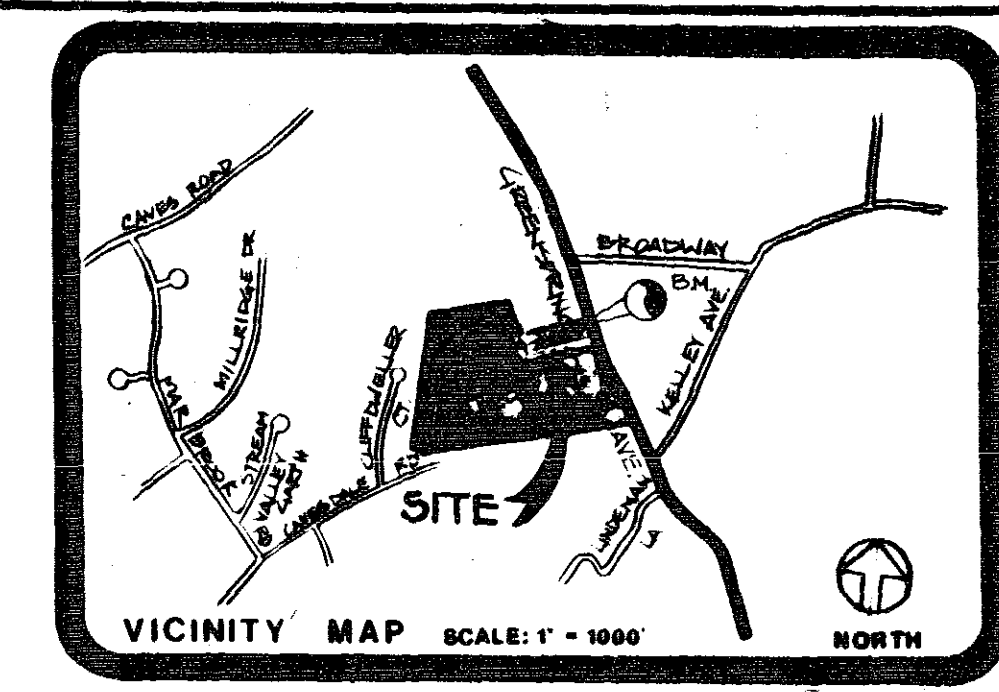
ZONING CASE HISTORY		
CASE NO.	HEARING REQUEST:	DATE APPROVED
91-519-SPHA	Special Hearing to approve the continuation of the existing uses on the 1.34 acre parcel, of land which is intended to become Lot No. 1 in the proposed subdivision as a continuation of the lawful uses of the property. The use of the property is in compliance with the existing zoning regulations. The first zoning regulations for Baltimore County which took effect on January 2, 1945 and in the alternative, approval granted to permit this existing use to continue on a smaller parcel of land than existing when the use commenced.	GRANTED 12/1/91
91-519-SPHA	Variance to permit a building setback of 10 feet from the centerline of the existing driveway for the existing improvements on future lot #1, resulting from widening that will take place with the development of the lot. The required 15 feet from the centerline resulting in a variance of 5 feet.	GRANTED 12/1/91
75-20-A	Permit 10 feet between principal buildings in lieu of the required 150 feet.	08/15/74
91-519-SPHA DATED 08/15/91	RED LINED ZONING MAP HEARING PLAN, FOR THE 1ST AMENDMENT	09/05/93

PUBLIC SERVICES - C-66  
PLANNING NO. III - 2010B



SOIL LIMITATIONS						
<u>TYPE</u>	<u>CLASS</u>	<u>FILTER</u>	<u>FIELD</u>	<u>W/BASEMENTS</u>	<u>HOMESITE S/S BASEMENTS</u>	<u>STREET</u>
Clash EMB2	B	Slight		Slight	Slight	Moderate
Glenn GUC2	B	Moderate		Moderate	Moderate	Severe
Glennville GNB	C	Severe		Severe	Moderate	Severe
Manor MOD2	B	Severe		Severe	Severe	Severe

**BENCH MARK:**  
B.M. #10015 ELEV. = 652.80  
RAILROAD SPIKE INSIDE OF IRON PIPE ON THE  
SOUTHWEST SIDE OF GREENSPRING AVE. 460'  
SOUTHEAST OF BROADWAY ROAD.



**GENERAL NOTES :**

- [illegible]

PLAN TO ACCOMPANY  
VARIANCE REQUEST  
**MILLER PROPERTY /**  
**GREENSPRING AVENUE**

**ELECTION DISTRICT : 3    BALTIMORE COUNTY, MD**  
**DATE : SEPTEMBER 16, 1993                      SCALE : 1" = 5'**

PETITIONER'S  
EXHIBIT 1

ON 7-26-65 THE F.D.P. WAS APPROVED BY THE DIRECTOR OF L.A.M.D. ON THE BASIS OF THE INFORMATION RECEIVED FROM THE  
 27TH JUNE 1965 THAT IT CONFLICTS WITH PRESENT  
 POLICY, INTENSITY AND NATURE OF THE  
 INFORMATION IN THE INFORMATION. ANY PART OF THE  
 OF THIS FACT HAS BEEN USED TO THE EFFECT OF  
 TO SUPPORT CONFLICTING STANDS THEREFORE SHALL NOT  
 BE FURTHER DIVULGED, SUBMITTED OR DEVELOPED FOR  
 ADDITIONAL TRAINING OR ANY PURPOSE OTHER THAN THAT  
 INDICATED HEREIN OR SAID FACT. THE INFORMATION WILL  
 BE CLASSIFIED AS SECRET AND WILL BE CONTAINED  
 AND TRANSMITTED FOR THE PURPOSE OF CONFIDENTIALITY.

CR-1  
 AMENDED  
 AMENDED

RE: C.R.G. PLAN APPROVED: 8/16/1982  
(CH) AMENDED C.R.G. PLAN APPROVED: 5/18/83  
TIGAR  
WILL F.D.P. APPROVED: 11-19-81  
AND AMENDED F.D.P. APPROVED: 7-26-83

**D.S. THALER & ASSOC., INC.**  
CIVIL ENGINEERS SURVEYORS  
LANDSCAPE ARCHITECTS LAND PLANNERS

7115 AMBASSADOR ROAD  
BALTIMORE, MARYLAND 21207  
(703) 944-ENGR (703) 944-2647

# DST & A

**OWNER / DEVELOPER**  
**HOWLIN PROPERTIES, INC.**  
**HOWARD B. & LINDA C. MILLER**  
**11614 GREENSPRING AVENUE**  
**BALTIMORE, MARYLAND 21093**  
**( 301 ) 332-8716**

